

1 KEVIN V. RYAN (CASBN 118321)
United States Attorney

2 MARK L. KROTKOFSKI (CASBN 138549)
3 Chief, Criminal Division

4 HAYWOOD S. GILLIAM, JR. (CASBN 172732) JUL 24 2006
5 KESLIE STEWART (CASBN 184090)
MICHAEL LI-MING WANG (CASBN 194130)
BLAKE D. STAMM (CTSBN 301887)
6 Assistant United States Attorneys

7 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
8 Telephone: (415) 436-7212
FAX: (415) 436-7234

9 Attorneys for Plaintiff

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14
15 UNITED STATES OF AMERICA,) No. CR 04-0125 VRW
16 Plaintiff,) STIPULATION AND [PROPOSED]
17 RELIANT ENERGY SERVICES, INC.,) ORDER SETTING HEARING DATE AND
18 JACKIE R. THOMAS,) EXCLUDING TIME
19 V. REGINALD HOWARD II,)
LISA L. FLOWERS, and)
J. KEVIN FRANKENY,)
20 Defendants.)
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22 On July 5, 2006, the Court of Appeals for the Ninth Circuit issued a memorandum order
23 remanding this matter for further proceedings regarding the issue of the admissibility of the
24 Market Monitoring and Information Protocol ("MMIP"). On July 13, 2006, the United States
25 filed a memorandum setting forth its position on the issues framed by the Ninth Circuit's order.
26 The parties anticipate that, by operation of the Ninth Circuit's rules, the mandate in this matter
27 will issue on or about July 26, 2006. See Ninth Circuit Rule 41-2.

28 The parties have met and conferred regarding a date for a status hearing and for argument

STIPULATION AND [PROPOSED] ORDER
CR 04-0125 VRW

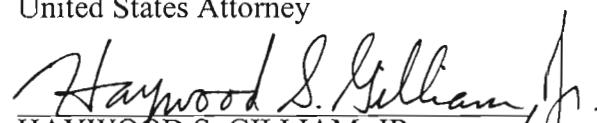
1 on the MMIP issues remanded by the Ninth Circuit. The earliest Tuesday counsel for all parties
2 can be available for such a hearing is August 22, 2006. The parties therefore jointly request that
3 the matter be set on calendar on that date at 10:30 a.m. for a hearing on those matters. The
4 parties are reviewing their respective trial calendars and suggest that a trial date be discussed at
5 the status conference on August 22.

6 In addition, the parties stipulate and agree that exclusion of time between July 26, 2006
7 and August 22, 2006 is appropriate under the Speedy Trial Act, Title 18, United States Code,
8 Sections 3161(h)(8)(A) and (h)(B)(ii) and (iv), based on the continuing complexity of this matter
9 and the need to avoid unreasonably denying each defendant continuity of counsel. The parties
10 agree that the ends of justice served by granting the requested continuance outweigh the best
11 interest of the public and the defendant in a speedy trial.

12

13 Dated: July 20, 2006

KEVIN V. RYAN
United States Attorney



HAYWOOD S. GILLIAM, JR.
KESLIE STEWART
MICHAEL LI-MING WANG
BLAKE D. STAMM
Assistant United States Attorneys

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19 Dated:

WILLIAM M. GOODMAN
Attorney for Defendant Reliant Energy Services

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Dated:

WILLIAM H. JEFFRESS, JR.
Attorney for Defendant Reliant Energy Services

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Dated:

GEORGE COTSIRILOS
Attorney for Defendant Jackie Thomas

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Dated:

MARY McNAMARA
Attorney for Defendant V. Reginald Howard II

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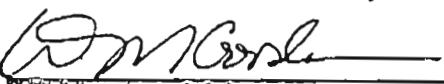
In addition, the parties stipulate and agree that exclusion of time between July 26, 2006 and August 22, 2006 is appropriate under the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(8)(A) and (h)(B)(ii) and (iv), based on the continuing complexity of this matter and the need to avoid unreasonably denying each defendant continuity of counsel. The parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial.

Dated: July 20, 2006

KEVIN V. RYAN
United States Attorney

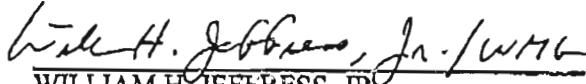
HAYWOOD S. GILLIAM, JR.
KESLIE STEWART
MICHAEL LI-MING WANG
BLAKE D. STAMM
Assistant United States Attorneys

Dated: 7/21/06



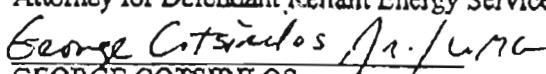
WILLIAM M. GOODMAN
Attorney for Defendant Reliant Energy Services

Dated: 7/21/06



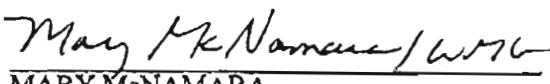
WILLIAM H. JEFFRESS, JR.
Attorney for Defendant Reliant Energy Services

Dated: 7/21/06



GEORGE COTSIROLIS
Attorney for Defendant Jackie Thomas

Dated: 7/21/06



MARY McNAMARA
Attorney for Defendant V. Reginald Howard II

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Dated: 7/26/06

Nanci Clarence/wrc
NANCY CLARENCE
Attorney for Defendant Lisa L. Flowers

Dated: 7/26/06

John L. Williams/wta
JOHN L. WILLIAMS
Attorney for Defendant J. Kevin Frankeny

ORDER

For the foregoing reasons, and good cause appearing, the Court HEREBY ORDERS this matter set over to August 22, 2006 for a status conference and hearing regarding the issues identified in the Ninth Circuit's July 5, 2006 memorandum order. The Court further ORDERS the period between July 26, 2006 and August 22, 2006 excluded from the speedy trial calculation under Title 18, United States Code, Sections 3161(h)(8)(A) and (h)(B)(ii) and (iv). The Court finds exclusion appropriate based on the continuing complexity of this matter and the need to avoid unreasonably denying each defendant continuity of counsel. The Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases.

IT IS SO ORDERED.

DATED: 24 JUL 2006


HONORABLE VAUGHN R. WALKER
United States District Judge

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that she is an employee of the office of the United States
3 Attorney, Northern District of California and is a person of such age and discretion to be
4 competent to serve papers. The undersigned certifies that she caused copies of

5 **STIPULATION AND [PROPOSED] ORDER SETTING HEARING
6 DATE AND EXCLUDING TIME**

7 in the case of **UNITED STATES V. RELIANT ENERGY SERVICES, ET AL.,**
8 **CR-04-0125-VRW** to be served on the parties in this action, by placing a true copy thereof in a
9 sealed envelope, addressed as follows which is the last known address:

10 William M. Goodman, Esq.
11 Topel & Goodman
12 832 Sansome Street, Fourth Floor
13 San Francisco, CA 94111
14 Telephone: (415) 421-6140
15 Facsimile:(415) 398-5030

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